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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055094
Party	Plaintiff Swig, Inc.
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Submission	Stipulated/Consent Motion to Extend
Filer's Name	Lekha Gopalakrishnan
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Signature	/Lekha Gopalakrishnan/
Date	04/23/2013
Attachments	92055094_ConsentMotiontoExtend.PDF ( 3 pages )(27884 bytes )

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Reg. No. 3,885,993. For the mark SWIG. Registered December 7, 2010.

SWIG, INC.

v.

Petitioner. Cancellation No. 92055094

\$\text{c} \text{c} \t TEMPERANCE DISTILLING COMPANY, INC. Respondent.

## MOTION TO EXTEND DISCOVERY PERIOD WITH CONSENT

Pursuant to 37 C.F.R. 2.120(a)(3), Petitioner Swig, Inc. ("Petitioner") and Respondent Temperance Distilling Company, Inc. ("Respondent") (collectively "the Parties") request the Trademark Trial and Appeal Board ("Board") to extend the due date for expert disclosures and the close of discovery as follows:

> Expert Disclosures Due May 24, 2013 (current date April 24, 2013)

> Close of Discovery June 24, 2013 (current date May 24, 2013)

The instant proceeding was suspended on January 23, 2013 and resumed on April 23, 2013. The Parties have continued to discuss settlement terms during the suspension period. The purpose of the requested extension is to allow the Parties time to determine whether settlement is possible. The Parties do not seek to delay this proceeding and hence are requesting the extension of only two trial dates. Counsel for Petitioner has discussed the requested extension with counsel for Respondent, and counsel for Respondent has consented to the requested extension.

In view of the foregoing, the Parties respectfully request that the Board grant the Parties' consent motion and extend the due date for expert disclosures and the close of discovery as requested herein.

Respectfully submitted,

WINSTEAD PC

Date: April 23, 2013

/Cathryn Berryman/

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Attorneys For Petitioner, Swig, Inc.

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the above and foregoing "Motion to Extend Discovery Period with Consent" has been served on the following counsel of record on this 23<sup>rd</sup> day of April, 2013 via First Class Mail as follows:

Gregg W. Emch Richard S. MacMillan Joseph W. Tucker MacMillan, Sobanski & Todd, LLC One Maritime Plaza, Fifth Floor 720 Water Street Toledo, Ohio 43604

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